

Q With whom?

A With the election board over the way they were counting the votes.

Q When you say "counting the votes," that was after the polls had closed?

A Yes.

Q And when you also say "counting votes" you mean they were counting paper ballots?

A Yes, on primary day.

Q So, the primary was conducted by paper ballot?

A Yes. Every vote that was questioned in any way the board placed in the Marcantonio pile. Everybody else around insisted that it was being done. In that particular district there were a total of 3 votes cast for Bryan, and after it was all over I got in this argument. About four fellows came up and that group all swore that they were Bryan men, and I said, "Did you vote in this district?" and they said yes, and then I said, "Explain how there are three votes here when there are four of you swore you voted for Bryan."

There were 15 votes and about 6 or 7 of them were blank ballots that they put in Marcantonio's pile, thinking I didn't see it.

Several of them were marked with X's at the wrong end of the line, one or two were initialed, and some were just marked in other ways.

Actually, what happened was that there were 17 that I questioned. After bitter argument, we got ten of them thrown out, and they were about to stand on the rest of them and tell me that I would have to file charges, so we made a compromise on the ballots that were marked at both ends. Under New York law, it can only be marked in the box with an X. I got them to let that go through if they would throw the others out and they threw out six. I let one go in so it would not be held up. It should not have gone in.

Q You did not vote yourself?

A No.

Q Were you a registered voter so that you could vote?

A - No.

Q - You didn't vote in the general election of November 5th?

A - No; I did not.

Q - You mentioned something about your residence in Connecticut. At what place?

A - I lived in Greenwich, Connecticut, from September, 1941, until I went in the service in July, 1942.

Q - And your present address is in Senator Coudert's district?

A - Yes.

Q - Where were you on the morning of November 5th?

A - On the morning of November 5th I arrived at the public school, which had the 49th, 50th, 51st, 52d and 53d election districts, at about 25 minutes to 6. That particular building ran through from 104th to 105th Street. It is between First Avenue and Second Avenue, in about the middle of the block, northeast of First Avenue. I arrived there at 25 minutes to 6 and I was supposed to meet Scuttoriggio at a quarter of six.

Q - When you refer to "Scuttoriggio" you refer to Joseph R. Scuttoriggio?

A - Yes. I was supposed to meet him at a quarter to six. My first reaction when I arrived and saw that he was not there, and none of the people that I knew around that district were there, was to go over to his apartment and bring him over. I thought he might be a little late or something. The reason I didn't go, and I have been sorry ever since that I didn't, was that I started making up my watch book, getting the names of the police, etc. I walked up to a fellow who was standing nearby and asked him who he was, and he said he was a watcher for the American Labor Party. I said, "What's your name?" and he said, "What do you want to know for?" and I said, "I am making up the record here," and he said, "Who are you watching?" and I said, "The Liberal Party." He wouldn't give me his name.

Q - Is the Liberal Party a recognized political party in New

A - Yes, it is.

Q This conversation that you are talking about took place at the polling place?

A That is right.

Q Will you please designate the polling place in the record?

A It was at the 53d election district. That is the school building at 316 East 105th Street, or something like that. It is Public School 168, facing on 104th Street. He refused to give me his name. I am of a suspicious nature, and thinking there might be some monkey business I thought I had better stay at the polls. It took me some time to get his name, and his name was Duncan Feinstein. Naturally, I made a point of getting it when he wouldn't give it to me.

The Republican Party group didn't seem to be showing up. It may have been the 51st that I was at. It has been some time now. I was at the one where the president of the Board is Mrs. Julia Wade, and finally, at about 6:00 o'clock Joe hadn't shown up. Some of the polling places were opening in some of the districts, and at the district where I was at that time there were three voters in line, and they had not really gotten moving.

Q What time did the polls open?

A Six o'clock. They hadn't really gotten moving in that district. My positive recollection is that those three people had not voted. I think it was a few seconds past 6:00 o'clock, maybe ten seconds past when Mrs. Scottoriggio came running in in her night clothes screaming hysterically, and I couldn't understand what she was saying at first.

Q Did you know her?

A Oh, yes; I had met her.

Q Did you know Scottoriggio?

A Yes.

Q How long had you known him?

A I had known him two days. I met them both. I had been up

in their apartment the previous Sunday. We spent two hours talking with them informally, had coffee or a doughnut or something, meeting some of the local people that I was supposed to be working with on Election Day. I was being sent up there because they wanted to have a lawyer at that polling place. They knew it was a pretty rough area and I was also in military intelligence for a long time, and I think they figured that might be helpful. Furthermore, I speak a little Spanish which turned out to be useful during the course of the day.

She came in and at first I didn't even recognize her, she was so distraught. Then I realized who it was, and I heard her say something about her husband being on the sidewalk, so another fellow and I took off immediately to go up there. He lived only about 1/8 mile from the polling place.

MR. BORDA: You were in the polling place at that time?

MR. SARGENT: Yes.

MR. BORDA: How many people were there to vote at that time?

MR. SARGENT: In the district where I was there were 3.

MR. BORDA: Could they be identified?

MR. SARGENT: Yes; easily. The voters are registered by number in the order they come in. Each one is given a number. I suggested to the police and I am sure they checked up on them that they find out who those voters were because presumably they all came from the project, and they must have passed that street corner.

Q When you speak of the "project" you mean the "housing project?"

A Yes; the East River Housing Project.

Q Was that the residence of Joseph Scattoriggio?

A Yes.

Q He was an accountant or something on that project?

A Yes. I don't know exactly what his job was.

Q Do you recall exactly what his apartment number was?

A It was either on the 10th or 11th floor, and it is the

one which looks right down on the street corner where he was attacked.

Q - He was attacked right on the street corner?

A - Yes.

Q - In what district is that, specifically, the apartmenthouse

A - I can't tell you that, offhand.

Q - Could you identify it on the map?

A - No; I can't even do that on the map. I can take you there but those maps are not much good for accuracy. His address is a matter of record.

Q - You say that you and two gentlemen took off?

A - No; one other fellow.

Q - Who was he?

A - I didn't know at the time, but it turned out later that he was the brother of Scottoriggio.

Q - What is his name?

A - Nathan. We ran out and when I realized that only this other fellow and I were coming along, I was a little cautious, and in running up I looked around very carefully to make sure that I keep my distance from this other fellow I didn't know. There was nobody I could see anywhere around except Joe on the sidewalk, covered with blood and cuts, with the bones showing through his face groaning, and he asked me to take him to a hospital.

Q - You stated that there was another fellow that you didn't know. Did you later find out who he was?

A - I didn't know his name. That was a brother I had never seen before. My original impression was that there was another man but I am convinced now that there was not, and that it just that in a time like that your powers are not quite as acute as you like to believe they are.

I got out there and there he was, lying on the sidewalk, and I looked up and down and didn't see anybody. I tried to find a tax or something to get him to the hospital in, and then very suddenly

I saw a man standing on an island in the middle of the street, not moving at all. So, I went to him and asked him who he was, and told me he was a truckdriver and I asked him if he could bring us down to the hospital and he said he was sorry, he had a full load of meat and there wouldn't be any way of getting him in. Well, somewhere along that point, Nat, the brother, started to lift Joe up from the sidewalk. That was very bad for a shock victim, so I yelled at him to leave him on the sidewalk until we could move him into something to take him down, and at that point a little truck driven by a colored fellow, came along, a vegetable-fruit wagon or something like that, and I stopped him and he said he had a full load in the truck, but if we could get him in the front he would glad to help. I took a chance, then. You are not supposed to move a shock victim, but I knew it might be an hour before you get an ambulance in this town, so we got him in the truck, in the front, I climbed in with him and tried to cushion him a little bit, or as much as possible, and we set out, Joe, the colored truck driver drove myself for the New York Hospital. I took him to New York Hospital because that was the one my father was connected with, and I was sure we could get good treatment.

Q. Is your father a physician?

A. No, he is a businessman. He is the administrative head of the hospital. We drove down there, got him in to the hospital and checked in at 6:33, according to the hospital records. I thought that was fairly quick time. I spoke with Joe a couple of times on the way down, but talking was painful for him. I was with him constantly that morning until he was taken out of the emergency room. He stayed in the emergency room until close to 8:00 o'clock. They cleaned him up and checked him over and took his clothes off and some stitches to stop the bleeding, and then the police came in. There was one of these slap-happy cops from the 19th precinct who came in and he was worried about was getting somebody from the 23d precinct, where it occurred, to come down and take over and then

Detective Tindall came down from the 23d, finally, and he questioned him while I was present and Scotty stated he didn't know who hit him. He had already told me that.

Q Did they hit him from behind?

A Yes. Scotty was a big fellow, a powerful chap, afraid of absolutely nobody. He was the kind of a man I would have not wanted to attack myself. He weighed 180 pounds, solidly built, healthy and vigorous fellow and they never could have gotten him so easily if they hadn't come from behind.

Q Did he say how many there were?

A He didn't know. He didn't come to until later on. He was knocked cold with the first blow. I am convinced there were two; other people say more. The truck driver I mentioned, at some point in our conversation, said that he had seen two men kicking this fellow on the sidewalk.

Q He had seen two men?

A Yes.

Q Do you happen to know at this time the truck driver's name?

A No, I don't. The police have it. The truck driver who brought us down --

Q You mentioned before that you just came from Las Vegas, Nevada today?

A Yes; I got in at 5:27 last night.

Q You haven't seen the New York papers recently?

A No. I wouldn't know the name even if I heard it. He didn't give me his name at that time. I did all I could to try to help the police.

Q How far was this truck driver away from where Scottoriggio was lying on the sidewalk?

A Joe was on the sidewalk about 3-1/2 feet from the curb and this fellow was on the island, which is not wide enough for more than one person to stand. I think it is a space wide enough for 3 cars to squeeze by. It can be measured easily.

Q In front of what address was it?

A That was at the corner of 104th Street and First Avenue.

Q Right on the corner?

A On the northwest corner.

Q Did Mrs. Scottoriggio go with you to the hospital?

A No; she did not. There was no room, but I told her I would take him down to the New York Hospital, and I told her to pick up the election equipment, - cards, machines, - sample voting machine and papers that were strewn all over the street.

Q Did Scottoriggio have all that material with him?

A Yes, he was carrying it.

Q And that was all scattered around his prostrate body there on the sidewalk?

A Yes.

Q And you told her to gather that up?

A Yes.

Q What did Nathan Scottoriggio do? Did he go to the hospital?

A He came to the hospital later. He was on the polling floor later when I met him, but in the interim I didn't know what he did. I didn't know who he was, and as far as I was concerned, I had taken the thing over and was going to see it through, and I just didn't pay any attention to him at that time. I was trying to get Scotty down to the hospital.

Q How long after taking him to the hospital did you come back to the polling place?

A It must have been a little after 8:00 o'clock that I got back. I was soaked with blood to the skin, and I had to change my clothes and wash up and get some other clothes. I borrowed a coat from one of my brothers. After seeing this, I didn't know whether there was going to be rough stuff or not, so I got an Army flight jacket to wear the rest of the day in case things did get rough.

Q And then they moved Scottoriggio from the emergency room to the receiving ward?

A I imagine so. The last I saw him was when they wheeled him out on the stretcher. Mrs. Scottoriggio came down and arrived, I should say, around 20 minutes after we got there, and I wouldn't let her go in. There was no doctor on duty at the time. He was upstairs occupied some other way. There was a nurse who was cleaning him up a little bit. We got him on the operating table. It was quite a trick getting him out of the truck, and by that time he was in a much worse state. His faculties were normal when I picked him up. He could speak and understand, but he looked completely stunned, but he was rational enough to ask me about how the bleeding was going on, etc., etc., and he followed my instructions. When I found that we could get him to move under his own power, I thought it would be better than to carry him so I put my arm around him.

Q Did he make any statement as to whether or not he recognized his assailants?

A He told me he did not. He told me that three times.

Q Did he make any statement to you regarding a motive for this attack?

A No. I didn't question him at any great length because he was in great pain, and I didn't think at the time that he was going to die. I knew he had the hell beaten out of him. I had never seen anybody beaten up anywhere - incidentally, when I was in Las Vegas I was on the scene of a beating up, but I didn't think he was fatally beaten.

(Mr. Robert H. Shaffer, Special Assistant Attorney General of the State of New York, in charge of the Election Frauds Bureau, entered the hearing.)

(Discussion off the record.)

A (continuing) When we got down to the hospital, I got him out of the truck and into a wheel chair and on to the operating table and made sure the nurse came in. Then, I immediately notified Republican Headquarters, or my brother's headquarters. My brother was canvassing manager for Bryan.

Q - What is your brother's first name?

A - James. He had his headquarters, and he had been working very hard in this campaign, and he was not canvassing - I wish I could think of the word. I notified the regular Bryan Headquarters and asked them to take care and notify the police. I was having little trouble getting through on the wire from the emergency war so that I didn't call the police myself.

Q - Up to the point of taking him to the hospital, insofar as you know, the police had not been notified?

A - They had been notified on the election floor, but their enthusiasm for going out there - they didn't seem to give a damn about it. They just stood there.

Q - When you say "election floor" do you mean polling place?

A - Yes.

Q - When you were out with Scottoriggio?

A - Yes. I rushed up to a policeman and he said there was nothing he could do about it, or he gave us some non-committal answer. They told me later that not one of them could move out of the place. Of course, they are not allowed to --

MR. SHAFFER: I wouldn't say that. Suppose you tell your story.

MR. SARGENT: Then I went back and by that time, when Mrs. Scottoriggio arrived, she was in a semi-hysterical state.

Q - At the hospital?

A - At the hospital. I tried to get her calmed down. I knew that she was not in sufficient control of herself to see her husband so I arranged to bring her up to my parents' apartment in the hospital and had her calmed down a little bit. Then I brought her back down a little later when she did see him. He was conscious enough and rational enough to talk with him, and they had a few endearments and what not, but I wouldn't say that he was dying at that time.

She was the only one who did. Then Tindall came in there and he finally made up his report and left and one of my brothers showed

James Sargent, and he spent some time talking to me and talking to Scotty, and a short time later, a third brother of mine, Henry

Sargent, appeared. I think it was probably pretty close to 7:45 that we felt that the doctors were the boys to handle it from then on. We went back to my apartment, my brother had a driver, and I changed my clothes, washed up and went back up to the polling place.

Q. Were the papers that were strewn on the sidewalk at the time that you came up subsequently delivered to you?

A. Yes; they were. So far as I know, all of the papers that were on the sidewalk were delivered to me and I used them in the course of the day.

Q. Of what did the papers consist?

A. There was a challenge list - a hand-written challenge list of people who Scotty thought should be challenged.

Q. In whose handwriting was it?

A. As far as I know, it was in his handwriting.

Q. Do you know where the list is?

A. The District Attorney has it.

Q. Who gave it to him?

A. I believe Mr. Shaffer gave it to him.

Q. And you gave it to Mr. Shaffer?

A. That is right. There was also a number of cards to back up that challenge list, which were kept separate from the other type of cards which he had, of the voters in that area. I retained the challenge cards for quite some time. I guess I turned them over to Shaffer at the time I turned over the list. Incidentally, I went through Scotty's coat and I removed therefrom all papers that had to do with the election. There were about 15 Republican watchers' certificates and four sheets of names on yellow accounting paper, which had lists of names arranged by residence so that, for example in Building A they have the names of certain people there. Those people were the ones that Scotty felt would vote for Bryan, and the purpose of this list was so we could have one person going through the building checking to see whether the people were in and get them out, and when they came out we could check those names off. No

wanted to be sure we would get everybody who we thought would vote for Bryan out. I took this list and used it during the day. The District Attorney has those names, too.

Q. Did you also go through his coat and his trousers?

A. I didn't go through his trousers. I patted them and there was nothing in them; I think a handkerchief and some keys or something like that.

Q. What about his wallet?

A. I didn't see any wallet on his body. He may have had one in his hip pocket, but I couldn't swear that I checked his hip pocket because he was on his back, I think.

Q. Do you have any knowledge since then whether he did have a wallet?

A. No; I just don't know that.

Q. Was there any motive of robbery?

A. It would certainly be a funny time to plan a robbery, and a funny place.

Q. Was it daylight?

A. No; it was the nether hour between daylight and dark. The street lights were still on, and yet it was light enough so that you could see quite a distance. You could see shadows. You could see a man down the street, but you couldn't recognize him.

When I got back to the polling floor, I tried to get organized. There was nobody to take Scotty's place. He was the only anti-Marcantonio man in the place that was aware of what he was doing. Many of the Republicans up there were actually working for Marcantonio, and others were not working for Bryan, even though they might technically opposed to Marcantonio.

Due to various factors, I didn't get around to the polling places where the challenge list was appropriate, to the polls where it was made up for until after lunch or thereabouts, around 12:00 o'clock. By that time, so far as I could tell, all except four of the names on the list had already voted. I think there were 18

names or 17 names, something like that. He felt very, very seriously, of course, not having Scotty there because he was the boy who knew what was going on and knew who was going to vote, etc.

Q. Did he intend to challenge these people personally?

A. I never was quite certain on exactly how that was to be done - if he was going to sign affidavits; actually, the challenging was done by a man named Quackenbush, who was my relief. I made no challenges for the reason that not a single person on the list came up while I was watching.

MR. BORDA: Do you know of any previous threats?

MR. SARGENT: Only hearsay. I know that I have been told by several people that somebody told Scotty he would lose his job if he didn't stop campaigning; somebody who has been identified only as a large man, 6 feet 2 inches, something like that.

By Mr. Barker:

Q. Did that come from Mrs. Scotoriggio?

A. That came to me from my brother James.

Q. From whom did he obtain it, do you know?

A. I really don't know. He might have gotten it from Scotty himself, but Scotty was not the kind of a fellow that would be intimidated that easy. If Scotty had been a little bit more "intimidatable" we would have had a detective with him at that time. Nobody thought about that.

Q. What about the threat in regard to the loss of his job?

A. There was somebody who told him he was violating the Hatch Act. I am not familiar with the situation at all.

MR. BORDA: How do you account for the lack of activity by the Republican captains at the polls?

MR. SARGENT: Marcantonio is a damned smart political boy. In my opinion, he is completely unscrupulous, and he goes after people in one way or another. Unfortunately, I have never had any personal contact with any of the things that I have been told, but I know on Primary day Frederick Bryan told me that certain people,

Republican captains, had been told either they should stop working for Bryan or they would lose their positions as Captains and they might lose their jobs, and a couple of them were told they would get beaten up, etc., etc. Bryan himself could give you more details on that. I have never seen a bunch of people that were more terrorized - it made me think of Italy. They were just scared to bits. I have met people since then that could hardly talk about this thing, they were so frightened.

Q You are referring now to the Election day, November 5?

A Yes.

Q And what you observed at the polls?

A What I observed at the polls was a bunch of scared people.

Q After you returned from the hospital?

A Yes.

Q Then I take it that word of the assault on Scottoriggio had rapidly spread over that district?

A We had put it on the radio almost immediately. That was one of my first suggestions because I thought it would get other people out when they realized the way Marcantonio was playing this thing. I suppose you could say that.

In my opinion, this was a political murder. It was a political assault and battery. It was not intended to be murder, in my opinion. I know that you people are probably interested in finding out whether it was or was not political, but in my opinion, and it is only an opinion, that there is no question but that it was of political intent, and I can readily see that he was weiking some other means which is a typical kind of - it is typical of the Communist elements playing up to drag a herring over things.

My duties in the War Department included reading the "Daily Worker" for two years, and I could have told you beforehand that they would probably come up with something like that.

Q What is your political affiliation?

A I don't really have one. I registered as a Republican in the Willkie election. In fact, I am not sure whether I registered

as a Republican or not. In the Willkie election, I was a member of the Honest Ballot Association group. At that time I worked up in the Bronx. That was tame compared with what I saw at this time.

Q How old are you?

A 33. My father has been a Democrat and my family in New Haven, Connecticut, where I was born, have been Democrats.

Q What is your father's name?

A The same as mine, Murray.

Q And he is the administrative head of New York Hospital?

A Yes.

Q Is that a city institution?

A No; that is a private institution.

Q Is that hospital also located in the 18th Congressional district?

A Yes. 525 East 65th Street. That is on the East River.

Q Are you married?

A Yes, sir.

Q Does your wife engage in any kind of political activity?

A No. She did, on Primary Day. She did a lot of telephoning and calling up people to get them out.

Q What is your wife's name?

A Lucy.

Q But other than telephoning to get people out to vote, --

A No. I have two children and that takes her full time.

Q You are in the general practice of law here in New York?

A Yes.

Q Are you associated with anybody?

A Yes.

Q Would you name the firm?

A Medina and Scherpick.

Q Are you a partner in that firm?

A No; I am not.

Q You are associated with them?

A Yes.

Q

Q. How long have you been a member of the bar?

A. I was admitted to the New York Bar in April, 1939 and to the Connecticut Bar in January, 1942.

Q. Who requested you to appear up there in the 18th District on Election Day?

A. My brother James.

Q. Is he a registered voter in that district?

A. I think he is; I am not sure.

Q. Do you know his residence?

A. I can't give you his number. It is in the phone book. It is almost at Gracie Square, I think it is 529.

Q. What about your other brother Henry?

A. He lives at my father's apartment in New York Hospital, 525 East 68th Street.

Q. So he is a registered voter in that district?

A. I assume so, yes.

Q. Do they have definite party affiliations?

A. Yes; I think they do. I am pretty sure my brother Henry is a Republican. I assume my brother James is; I am not sure.

I know that in this last election he was interested in Bryan and Bryan alone.

Q. And both of your brothers were actively engaged in behalf of Colonel Bryan?

A. Yes. My brother Jim was very active in the thing; my brother Henry was less so, and I was almost inactive except on Primary Day and Election Day because I had just gotten out of the service and I was trying to get located.

Q. Who issued you your watcher's certificate?

A. I don't know. That was done at my brother's headquarters.

Q. Was that a part of the Bryan organization headquarters?

A. No; he had separate headquarters with a fellow named Al Heitche. They had this little separate organization that was in charge of doing all the canvassing and ringing doorbells.

Q. And they issued you the watcher's card as a watcher for the Liberal Party?

A. Yes. I was inactively opposing Marantonio, as far as I could tell. They had no candidate in the Liberal Party for that particular job.

MR. BORDA: You say that those three voters passed by?

MR. SARGENT: Presumably. They might have come in the other door. For that particular district it would have been shorter for them to come that way.

MR. BORDA: Do you happen to know, did the fourth voter arrive while you were there/before you left?

MR. SARGENT: I didn't see him. I noticed those three just before Mrs. Scottoriggio came in, and immediately on her coming I paid no further attention to the voters.

MR. BORDA: Do you think the fourth voter might have been en route?

MR. SARGENT: Could have been. They came in fairly fast at the

MR. BORDA: Do you think that there is a record of those who voted by number?

MR. SARGENT: Yes.

MR. BORDA: Their names and address, etc.?

MR. SARGENT: Yes. By going through the books, you could find out who they were. I am sure the police got the first 10 or 15. It was announced in the papers.

By Mr. Barker:

Q. Everything you told them?

A. There were some things I told them that nobody knows. One thing that occurred to me concerns this truck driver. Nobody seems to have realized that the fellow was a truck driver.

Q. Was his truck standing nearby?

A. It was about a block away.

Q. You saw the truck?

A. Yes.

Q. Did he tell you he was a truck driver?

A He pointed to the truck.

Q And he said he had a full load?

A Yes. He said he just stopped his truck because he saw these two men kicking the fellow and he came running back. I think he wanted to stop the thing, and yet he didn't want to get involved.

Q Did the truck have the name of the company on it?

A You couldn't read it from that distance, but I have been told that the police have found the truck driver. I don't remember who told me that. I don't think that is public information, incidentally.

Q As to these statements appearing in the press, and the statement that you made to the police: You didn't exclusively make a statement to the police. You also made certain statements to the District Attorney?

A The District Attorney and various detectives; altogether I think I made statements to 7 or 8 different people. There was one Inspector who came up. I made a statement to Mr. Shaffer considerably after all this stuff had gotten out. That was one of the reasons Mr. Shaffer and I got together. We were both concerned about the undesirable publicity the thing was getting - undesirable in getting the names of the witnesses - -

MR. BORDA: Do you think some of those witnesses might have disappeared as a result of the publicity?

MR. SARGENT: I think very possibly, yes. I know, from my analysis of the type of person that lives up there, if it is anywhere near correct, the very least they would do would be to clam up immediately on account of the publicity.

MR. BORDA: Do you have any knowledge of anyone being intimidated outside of Scottriggio on that day? Any specific instances?

MR. SARGENT: Well, I don't have any personal knowledge on it. Of course, it is a matter of police record that there was some intimidation, and certain men, I believe, went to jail on it. This Tizol. There is one little thing I remember. Two people, Porto Ricans, were sent up as watchers in that neighborhood. One spoke

absolutely no English at all and the other one, very little. They tried to explain who they were and so I started speaking to them in Spanish to try to figure out who they were, and it turned out they came from Liberal Party headquarters, up there, to act as watchmen. Why they got sent up, I don't know. One of these fellows didn't speak English and he was not supposed to be up there, but there was a lot of arguing back and forth and what not, so I finally decided to let them stay, and incidentally, he turned out to be a damned good watchman. He kept calling attention and asking me if the American Labor Party captain who was a watcher, should have the right to have the election book at one point. He was going through it and making notes, so I stopped that, but the woman was very much upset about Tizol. She told me, according to my best recollection, he had threatened to kill somebody that morning. She didn't come until about 11:00 o'clock or 10:30. I can't remember what her name was. This Pedro was a good watcher, but it was quite an effort to try to discuss election practices in Spanish because I am not fluent although I can get along. Anyway, she possibly would know something about that case. She was very much excited about it, a real Latin can be.

Q. You don't have her name?

A. No; I don't. I should have taken it.

Q. Were you at more than one polling place on Election Day?

A. No. I was only at that one school. There were either five or six election districts there.

MR. BORDA: To the best of your recollection, you don't know any specific instance where anybody was intimidated?

MR. SARGENT: No.

MR. BORDA: But there was a kind of atmosphere?

MR. SARGENT: That is right, an atmosphere. There were a lot of little things that you felt that people --

MR. BORDA: There was an article that appeared somewhere that Scattoriggio, two or three weeks prior to election, had been threatened.

MR. SARGENT: He didn't mention it to me.

MR. BORDA: Did he mention it to anybody?

MR. SARGENT: That I don't know, but I believe he mentioned it to my brother James, or he somehow found out about it, because he mentioned it to me.

MR. BORDA: He didn't mention who, did he?

MR. SARGENT: No. I don't think they knew who it was. One thing you might be interested in. This Porto Rican chap, whose name was Pedro, told me he expected to be paid \$2,00 for his work that day.

MR. BORDA: Do you have any idea where he came from?

MR. SARGENT: There was a fellow named Cornelius Wickersham, from the firm of Cadwalader, Wickersham and Taft. I think he would know who the person was, because when they came up, Neal (Cornelius) came up at one point with him. Pedro had only been in the country less than three months and he was looking for some way of making a living.

(Discussion off the record.)

Pursuant to instructions from my brother. I went to Scottoriggio's apartment, arriving there at approximately 11:00 o'clock Sunday, November 3d. There were several people gathered at the apartment, all of whom were Republican workers up there in one capacity another. Among those present were Tony Sarcopa. He rang doorbell and distributed things and he was kind of runner for Scottoriggio; Mrs. Julia Wade, who was the Republican Chairman of the Election Board. I can't recall which district it was, offhand, and there were several others whose names I can't give you right now, but I have records of many of them. I tried to find out who they were so I would know whom I was talking. If you will send me a copy of this transcript I will try to smooth it up and add those names.

The purpose of my going up there, as explained by my brother was to assist Scottoriggio at the polls on any legal questions that came up about election law, in signing any affidavits of challenge and generally in assisting Scottoriggio with the running of his affairs on Election Day. In addition to his own district, I think Scotty

intended to keep as much of an eye as possible on the other districts that were at that polling place.

By Mr. Barker:

Q. How many districts were at this polling place?

A. Five or six; I don't remember exactly.

MR. SHAFFER: At the public school there were several election districts.

MR. SARGENT: The 49th and 53d were there; whether there were any higher ones, I don't know, but all the intermediate ones were.

The conference was pretty much of a get together nature. We were introduced around and we were talking to each other. Scotty told the various people his idea of what should be done. There was a great deal of discussion about last minute canvassing, making certain that certain people were approached and had explained to them the meaning of their vote and their voting for Bryan and various matters like that.

I can't make the definite statement that the list he showed me was the list which came into my possession later as a challenge list. He showed me a piece of paper with a bunch of names on it, and he showed me his cards which would back up the challenges, indicating what the ground was for the challenge, so we would have the name and then we would challenge that person on the ground he did not live there or some other reason.

By Mr. Barker:

Q. By what authority was Scottoriggio appearing at the polls? Was he a watcher?

A. Yes; he was to be a watcher.

Q. Did he have a card as a watcher? Did you see the card?

A. No; I didn't see the card. It might have been in the batch of watchers' certificates in his coat. I turned them over to my brother James. He showed me various cards and told me about making up lists - the final canvassing list on the yellow accounting sheets. I suggested that he make all those in duplicate because the

list might get lost in the excitement or something, and he did that. As far as canvass lists were concerned, as far as I know, he didn't in the case of challenge lists. Scotty had made a very intensive canvass. I know that we discussed the fact that he had made a pretty damned good and careful canvass. For example, some of the people who were registering from Apartment 3C in some building he would have it pointed out to them, when we made the challenge, that that apartment was listed as having two people in it with a certain income, and that if these other people were really living there, the project authorities would be glad to know that so that they could adjust the rental rate of the apartment.

Q It being based on the number of people?

A Yes, and the income is the basis of all rentals up there. I am not sure of that.

The income of the individual?

A The income of the occupants of the apartment has something to do with the rate of rent. What it is, I don't know, but apparently it has some bearing on the amount of rental paid.

Q Generally speaking, would you say that Mr. Scotoriggio had made a rather intensive personal investigation?

A As far as I know, he did. The only thing that occurs to me right now was that there were certain people that he spoke of as being "unconvinceable" by him, and that others might be able to talk them into voting for Bryan. In other words, I guess there were plenty of personal factors involved. If my brother would ask me to do something, I would do it for him, that I would not do for somebody else. I think that was quite important in that conference. I was simply there for the ride. I didn't take any particular part in that discussion because I didn't know anybody in the place.

MR. BORDA: Was Scotoriggio the most active captain in the 18th District?

MR. BARGAKT: In my opinion, yes, but I have no personal knowledge of that. My brother would.

By Mr. Barker:

Q. Was Scottoriggio armed in any way?

A. Not that I could tell.

Q. No arms or weapons of any kind?

A. As far as I know, he didn't even have a penknife with him. I made a very quick search, a pat search, of his pockets, and he could have had a derringer in his trouser leg, but I don't think so.

Q. Did he have a wrist watch or a pocket watch, do you remember?

A. I don't have a positive recollection on that. I don't think he did.

Q. Any money at all?

A. I didn't find any. There may have been some change in his coat pocket. I was looking only for papers. There were a few little odd and ends, cards, cigarettes and stuff like that.

Q. I think you have enumerated the things that were lying on the street around his body. Did you enumerate those?

A. I think so. Of course, what was there I saw only at a glance - a bunch of papers, there seemed to be a few papers. There was also a sample voting machine which I don't remember seeing at all, but which I know was there.

Q. Was the instrument that was used to assault him a club? Did you see anything like that?

A. I am sure there was nothing like that. I did look for it.

Q. What was your observation about this matter the day after election? Were you up in that district after Election Day?

A. No. I didn't go back up there except on two or three occasions, when I went back with the police for one reason or another. I had been up to the 23d Precinct. I had been up there once, and morning I went up with the police to see if we could identify the truck driver, and he stopped all the trucks passing, those on the regular run.

Q. I assume that you have been before the Grand Jury?

A. No, I haven't. I have been questioned very completely by the District Attorney from Mr. Hogan straight on down. There is

little I could tell the Grand Jury because I was unquestionably not around when the assault took place.

Could you state to this Committee what line of investigation we should pursue, or whom we should interview to find out exact the facts regarding the frightened condition of the voters subsequent to the assault on Scottoriggio and the broadcast on the radio about it?

A Yes. I would suggest that you talk to my brother, among others, James Sargent. I would suggest that you talk with Mrs. Julia Wade. She lives in the project up there. She might possibly resent being questioned again because a lot of people have talked with her, but she is a very nice person, and I don't think you would have too much trouble. She lives up there and knows what is going on pretty well.

Q Do you know a Republican leader by the name of Mr. Duggan?

A - I know the name, but I don't know him. One of the Republicans up there is a fellow named Levy.

Q David Levy?

A Yes.

Q Does Levy have considerable influence?

A I think so, but I don't know. My experience is very limited.

Q What was the general attitude, if you have any knowledge, of the Republicans, the election district captains, that were working for Bryan? Was it good, bad or indifferent? Do you have any knowledge whether or not they actually showed up at the polling places, taking the district as a whole?

A I know one Republican captain who showed up.

Q Do you recall his name?

A No, but he is the husband of the other Republican member of Julia Wade's board. I didn't like the men personally, so my judgment would be - I almost had a fight with him on the floor.

I came back and I was made as hell; I was ready for anything. I walked up to this election district and this fellow I had never seen before started to walk over to this machine and I stopped him to

speak to him. He didn't stop so I grabbed his arm and asked him where he was going. I wondered who he was. It turned out he was the Republican captain for that district. I felt that my question in the first place was perfectly proper. Nobody was supposed to go to that machine except voters, subject to proper certification. I didn't know who he was, but it turned out he was qualified and had a watcher's certificate for that particular district, and he had a right to go there, but he took offense because I was asking him his authority, so he wanted to know what my authority was for asking him that. We had a few words. I was so damned mad. The rest of the day I didn't have much to say for him, and he didn't have much to say for me, either. In my opinion, he was not working for Bryan, but I say, I am prejudiced against the fellow.

Q - Have you heard that as a result of the beating given to Scottoriggio certain election district captains who were supposed to be at the polling place working for Bryan didn't show up? Did you hear any rumors to that effect?

A - I have seen rumors of it in the paper, but I have no positive knowledge of it. My brother James would know about that.

Q - Is he an attorney, too?

A - Yes.

Q - What is his office address?

A - He works for Beardley and Taylor, 4 Irving Place. It is the Consolidated Edison Company Building off 14th Street. The telephone number is Stuyvesant 9-5600, Extension 2998. I am sure he would be glad to talk with you. He would be able to give you more stuff than I could. I played a very small part in it.

Q - Were you there when the canvassing was conducted that night?

A - I had nothing to do with any official canvassing. Anything I did was on my own hook, people that I knew, personally.

Q - What branch of the service were you in?

A - I have been in Field Artillery, Air Corps, Military Intelligence, and an aide to General Arnold for a short time.

Q. You were a commissioned officer?

A. Yes; I was in the Reserve.

Q. With what rank?

A. Major. I am now a Major in the military intelligence Reserve.

Q. Do you know, of your own knowledge, who was the person that stood closest to Scotoriggio in his political activity; his closest associate or person in whom he would confide and discuss matters, etc. Would it be one of your brothers or somebody else?

A. I will give you three names who could give you better information on that. My brother James, Julia Wade and Al Heitche. It is possible that he was closest to my brother, I don't know. It is possible that he was closest to his brother Nathan, who is a nice fellow, but didn't have the interest or the ability that Joe had.

MR. BORDA: Did Scotoriggio have any political ambitions?

MR. SARGENT: I am sure he probably did, ultimately. He had a lot of political enemies. A fellow named Seymour Atlas, who was an American Labor Party captain; his wife who was reportedly a Communist is head of the governing board of the Project, or whatever the thing is - kind of like a union of the tenants. Seymour is a good natured sort of fellow and he told me that Scotty had dozens of enemies. I checked up on that and as far as I could tell, his only enemies were people that opposed him politically. His political history shows that originally he was a Marcantonio captain in Marcantonio's own election district and he felt that Marcantonio was consorting with the wrong people and making deals. I have seen all these gangsters up in his district; people getting protection and those of those people being election district captains of Marcantonio with criminal records. I have seen election district captains of Marcantonio named who had been convicted of felonies. I just wondered about them.

MR. BORDA: Do you remember any of those names?

MR. SARGENT: No. I think one of them is in jail. There was

another one who name began with a "B", who was under \$25,000 bond.
He was a captain for Marcautonio.

Mr. BARKER: All right. Suppose we suspend and then we will get in touch with you later.

(Whereupon, at 1:20 p.m., the above hearing was concluded.)

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